

**DRIVING UNDER THE INFLUENCE (DUI)**  
**ENFORCEMENT SPECIAL FUND REPORT**

**December 2011**

Prepared by the Legislative Joint Fiscal Office in  
consultation with the Vermont Department of  
Public Safety

## **Driving Under the Influence (DUI) Enforcement Special Fund Report**

This report contains four parts: Part 1, the statutory authority for the report; Part 2, the DUI Enforcement Special Fund sources of revenue and expenditures; Part 3, the DUI Enforcement special fund grants to municipalities; and Part 4, the future projections. This report includes 5 appendices.

### **PART 1**

#### **Statutory Authority for DUI Enforcement Special Fund Report**

##### **Sec. 7. DUI ENFORCEMENT SPECIAL FUND REPORT**

On or before December 1, 2011, the joint fiscal office, in consultation with the department of public safety, shall report to the house and senate committees on judiciary and on appropriations on the funding and expenditures of the DUI enforcement special fund established by 23 V.S.A. § 1220a. The report shall include:

- (1) the amount and sources of the fund's revenues and the amount and recipients of the fund's expenditures and grants with respect to each year from the time of the fund's inception through fiscal year 2011, to the extent that such data is available;
- (2) particular detail regarding grants provided by the fund to support local law enforcement agencies and dedicated state DUI troopers with respect to each year from the time of the fund's inception through fiscal year 2011, to the extent that such data is available; and
- (3) the amount and sources of the fund's projected future revenues and the fund's projected future expenditures and grants.

### **PART 2**

#### **DUI Enforcement Special Fund Revenues:**

Act 117, an act relating to DUI, became effective July 1, 1998 (fiscal year 1999). The civil violation of possession or consumption of alcohol by a minor became effective on July 1, 2000 (fiscal year 2001). Among other things, Act 117 authorized the DUI Enforcement Special Fund, established surcharges on fines that were deposited into the DUI Enforcement Special Fund, authorized 16 additional permanent trooper positions in the Department of Public Safety to assist in fulfilling the intent of Act 117, and established a statewide multi-agency DUI enforcement program.

#### **STATUTES PERTAINING TO DUI ENFORCEMENT SPECIAL FUND**

Sec. 41 of Act 117 of 1998, An Act Relating to DUI, established the DUI Enforcement Special fund in 23 V.S.A. § 1220a. This fund was the successor to the DUI enforcement special fund established under 23 V.S.A. § 1205(r). (See language below.)

##### **23 V.S.A. § 1220a. DUI Enforcement Special Fund**

- (a) There is created a DUI enforcement special fund which shall be a special fund established and managed pursuant to 32 V.S.A. Chapter 7 subchapter 5. The DUI

enforcement special fund shall be a continuation of and successor to the DUI enforcement special fund established under subsection 1205(r) of this title.

- (b) The DUI enforcement special fund shall consist of:
- (1) receipts from the surcharges assessed under section 206 and subsections 674(i), 1091(d), 1094(f), 1128(d), 1133(d), 1205(r), and 1210(j) of this title;
  - (2) beginning in fiscal year 2000 and thereafter, the first \$150,000.00 of revenues collected from fines imposed under subchapter 13 of chapter 13 of this title pertaining to DUI related offenses;
  - (3) beginning in fiscal year 2000 and thereafter, two percent of the revenues raised by the motor fuel tax on gasoline imposed by chapter 28 of this title; and
  - (4) Any additional funds transferred or appropriated by the general assembly.
- (c) The DUI enforcement special fund shall be used for the implementation and enforcement of this subchapter for purposes specified and in amounts appropriated by the general assembly.

For specific statutes pertaining to DUI Enforcement Special fund revenues, please see Appendix 5.

#### ANALYSIS:

The table contained in Appendix 1 summarizes the revenue, appropriation, and expenditure data collected as part of this report. The summary starts with fiscal year 2002, the first year that data were available in VISION, the state's finance system. The year-end balances show that when comparing revenue with expenses, including rescissions and transfers to the general fund, in all but 2 of the 10 years the DUI Enforcement special fund ended the year with a positive balance. The Department of Public Safety managed the fund to avoid a deficit, even in years that included rescissions and transfers to the general fund. During the two years that ended the year with a deficit, fiscal years 2006 and 2008, the deficits were relatively small, \$609 and \$2,951, respectively.

The Department of Public Safety did supplement the revenues in the DUI Enforcement special fund with other funds within the department in order to fully fund the 16 permanent trooper positions that were authorized to fulfill the provisions of Act 117 of 1998, An Act Relating to DUI. The revenue into the DUI Enforcement special funds has not been sufficient to support the full costs of the 16 troopers, including equipment replacement and ongoing salary costs. In addition, there were two years, fiscal years 2008 and 2010, when the grants to the municipalities were supplemented with federal funds and two years, fiscal years 2009 and 2012, when the grants to municipalities were issued entirely with federal funds. These federal funds were used to support costs associated with expenses related to Act 117 of 1998, An Act Relating to DUI.

For the first time, in fiscal year 2012, all of the revenue anticipated into the DUI Enforcement special fund, \$1,500,343, was transferred to the general fund. This transfer was authorized by Sec. D.101(a)(5) of Act 63 of 2011. Expenses related to Act 117 of 1998 will be supported with available federal funds. The amount that was available in prior years to local municipalities for DUI enforcement from the DUI Enforcement special funds will continue to be \$450,000, paid in fiscal year 2012 with federal 164 funds. Federal 164 funds are National Highway Traffic Safety Administration funds for alcohol-impaired driving counter measures.

## DUI ENFORCEMENT SPECIAL FUND REVENUES

Appendix 2, entitled “DUI Enforcement Special Fund Revenues” details the revenues into the DUI Enforcement Special Fund from 1999 through 2011. The revenue numbers for fiscal year 1999 are available because Act 117 of 1998 appropriated funds into the DUI Enforcement special fund. The revenue information for fiscal years 2000 and 2001 is not readily available because the state’s finance system changed to what is now known as the VISION system in 2002, and prior year information is not accessible. An attempt was made to gather the information for fiscal years 2000 and 2001, but the numbers are not complete or as reliable as those after 2001.

All revenue and expenditure numbers included in Appendix 1 regarding the DUI Enforcement special fund are actual.

## APPROPRIATIONS FROM THE DUI ENFORCEMENT SPECIAL FUND

Appendix 2, “DUI Enforcement Special Fund Appropriations and Actual Expenditures” contains all of the appropriations from the DUI Enforcement special fund as well as the actual expenditures from the fund from fiscal years 2002 through 2011. The amount appropriated is most times not the same as the amount actually spent. The analysis of revenue and expenditures in this report compares actual revenues with actual expenditures. Please see Appendix 2 for details on Appropriations and Actual Expenditures from the DUI Enforcement Special Fund.

## PART 3

### DUI ENFORCEMENT SPECIAL FUND GRANTS TO MUNICIPALITIES

Three sources of funds have been used by the Department of Public Safety to support local enforcement grant programs related to deterring driving under the influence. These three funding sources are as follows:

- DUI Enforcement program special funds. The Local DUI Enforcement program funds are state funds raised by Title 23 of the Vermont Statutes.
- SHARP funds are federal National Highway Traffic Safety Administration § 402 funds.

- Federal 164 funds, National Highway Traffic Safety Administration funds for alcohol-impaired driving counter measures.

All three funding sources have been granted to qualifying DUI enforcement programs managed by counties or by a town or city. This report focuses on the DUI Enforcement special fund grants, except for in fiscal years 2009 and 2012 when the Special DUI enforcement funds were not used and, instead, federal 164 funds were substituted. Additionally, in fiscal years 2008 and 2010, the special DUI Enforcement funds were supplemented with federal 164 funds. This report does not address federal SHARP funds.

Information on revenue into the DUI Enforcement special fund is not complete in fiscal years 1999, 2000, and 2001. The state's new accounting system, VISION, was put in place in 2002 so the accounting system does not include any data prior to fiscal year 2002. The data from fiscal years 1999, 2000, and 2001 that appear in the attached spreadsheet, Appendix 2, were obtained from reports authored by the Department of Public Safety, Governor's Highway Safety Program, and from Act 117 of 1989. The information contained in the reports has not been reconciled with the Department of Finance.

In all ten years, from fiscal years 2002 through 2012, the grants to local governments for DUI enforcement have hovered around \$450,000. The data in Appendix 4, Grants to Municipalities, reflect the amounts actually expended by municipality for DUI enforcement, not the original amount of the grant award. The Department of Public Safety reimburses a municipality for the amount spent on DUI enforcement, within the boundaries of their grant award. Not all municipalities spend their entire grant award.

#### **PART 4**

##### **FUTURE REVENUE ESTIMATES**

Section D.101(a)(5) of Act 63 of 2001 transferred the estimated revenue of \$1,500,343 from the DUI Enforcement special fund to the general fund. This transfer was intended to be a one-time transfer during fiscal year 2012. The Department of Public Safety utilized federal 164 funds to support the activities that the DUI Enforcement special fund had previously supported. The Department of Public Safety is planning on utilizing the DUI Enforcement special fund in fiscal year 2013 to support Act 117-related activities.

There has been no change to the statutes pertaining to revenue that is deposited into the DUI Enforcement special fund. The expectation going forward is that roughly \$1.5 million will be deposited annually into the DUI Enforcement special fund.

APPENDIX 1 – Revenues and Actual Expenditures; DUI Enforcement Special Fund

APPENDIX 2 – DUI Enforcement Special Fund Revenues

APPENDIX 3 – DUI Enforcement Special Fund Appropriations and Actual Expenditures

APPENDIX 4 – Local DUI Enforcement Special Fund Grant Awards

APPENDIX 5 – Statutes Related to DUI Enforcement Special Fund Revenues

**APPENDIX 2 - DUI ENFORCEMENT SPECIAL FUND REVENUES**

Actual Revenue as seen in VISION

CONVICTED CHARGE CATEGORY	2000	2001	1999	2003	2000	2005	2001	2006	2002	2008	2003	2004	2005	2006	2007	2008
DUI License Reinstatement									\$7,315		\$50	\$4,228	\$1,200	(\$7,315)		
Surcharge Fines	\$65,184	\$125,672	\$136,613		\$65,184	\$125,672	\$136,613		\$306,400	\$123,511	\$119,041	\$128,033	\$128,131	\$121,740	\$105,418	
Title 23, chapter 13, § 1220a(b)(2)																
DUI fines, first \$150,000 to DUI Enforcement Fund											\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000
Alcohol Surcharge												\$4,645	\$1,077			
Title 23 V.S.A., Chapter 13, § 1220a(b)(3)																
2% Gas Tax imposed by 23 V.S.A. Chapter 28	\$1,293,743	\$1,311,788			\$1,293,743	\$1,311,788			\$1,314,812	\$1,349,600	\$1,355,933	\$1,365,219	\$1,328,495	\$1,324,567	\$1,303,583	
Rules of Criminal Procedure (Rule 16(e))																
Sale of video tapes by state (\$15 per tape)											\$15	\$1,700	\$16,984	\$5,765	\$5,520	\$5,585
Sale of Publications									\$4,069	\$4,907	\$3,248	(\$12,224)				
Misc.												(\$7,315)	\$7,315			(\$132)
Appropriation from General Fund Act 117 of 1998 Sec. 42(a)(1)			\$231,000													
Appropriation Transportation fund Act 117 of 1998 Sec.42(a)(2)			\$15,000													
Appropriation from Federal funds Act 117 of 1998 Sec.42(a)(3)			\$125,000													
<b>TOTAL DUI ENFORCEMENT SF REVENUES</b>	<b>\$1,419,415</b>	<b>\$1,448,401</b>	<b>\$436,184</b>	<b>\$1,419,415</b>	<b>\$1,448,401</b>	<b>\$1,632,596</b>	<b>\$1,628,083</b>	<b>\$1,631,480</b>	<b>\$1,657,604</b>	<b>\$1,605,076</b>	<b>\$1,601,827</b>	<b>\$1,564,454</b>				

**DUI ENFORCEMENT SPECIAL FUND APPROPRIATIONS**

ACTUAL EXPENSES	1999	FY 2000	FY 2001	FY 1999	FY 2003	FY 2000	FY 2001	FY 2006	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
State Police		\$773,261	\$735,961	\$744,109	\$1,030,770	\$744,109	\$1,030,770		\$744,109	\$1,030,770	\$1,322,851	\$1,331,649	\$1,222,691	\$1,141,171	\$1,075,945
Vt Center for Justice Research				\$12,794	\$13,542	\$14,521	\$12,446		\$12,794	\$13,542	\$14,521	\$12,446	\$12,085	\$10,345	\$12,325
Criminal Justice Services		\$30,087	\$85,240	\$127,062	\$63,045	\$30,087	\$85,240		\$127,062	\$63,045	\$71,019	\$77,814	\$134,294	\$88,460	\$75,266
Dept of Motor Vehicles															
Criminal Justice Training Council															
Transfers Out/Rescissions															
Grants to Local Law Enforcement						\$140,012	\$329,877	\$8,323	\$324,767	\$413,763	\$414,833	\$394,436	\$335,559	\$423,829	
<b>TOTAL</b>	<b>\$0</b>	<b>\$943,360</b>	<b>\$1,151,078</b>	<b>\$892,288</b>	<b>\$1,172,124</b>	<b>\$943,360</b>	<b>\$1,151,078</b>	<b>\$892,288</b>	<b>\$1,172,124</b>	<b>\$1,822,154</b>	<b>\$1,836,742</b>	<b>\$1,763,506</b>	<b>\$1,575,535</b>	<b>\$1,593,088</b>	

Note 1 - In both FY 2009 and FY 2012 the grants to local police agencies were made using federal funds instead of special DUI Enforcement funds.

In fiscal year 2012 all expenses will be made with federal funds: Sec.D.101(a)(5) of 2011 authorizes the transfer of \$1,500,343 from the DUI Enforcement Special Fund to the General Fund.

SOURCE: Vermont Department of Public Safety



APPENDIX 2 - DUI ENFORCEMENT SPECIAL FUND REVENUE

Actual Revenue as seen in VISION

CONVICTED CHARGE CATEGORY	2009	2010	2011	2012 est.
DUI License Reinstatement				
Surcharge Fines	\$104,452	\$98,723	\$80,509	
Title 23, chapter 13, § 1220a(b)(2)				
DUI fines, first \$150,000 to DUI Enforcement Fund	\$150,000	\$150,000	\$150,000	
Alcohol Surcharge				
Title 23 V.S.A., Chapter 13, § 1220a(b)(3)				
2% Gas Tax imposed by 23 V.S.A. Chapter 28	\$1,262,958	\$1,270,799	\$1,262,947	
Rules of Criminal Procedure (Rule 16(e))				
Sale of video tapes by state (\$15 per tape)	\$14,090	\$14,095	\$11,935	
Sale of Publications				
Misc.	\$132			
Appropriation from General Fund Act 117 of 1998 Sec. 42(a)(1)				
Appropriation Transportation fund Act 117 of 1998 Sec.42(a)(2)				
Appropriation from Federal funds Act 117 of 1998 Sec.42(a)(3)				
TOTAL DUI ENFORCEMENT SF REVENUES	\$1,531,632	\$1,533,617	\$1,505,391	

DUI ENFORCEMENT SPECIAL FUND APPROPRIATIONS

ACTUAL EXPENSES	FY 2009	FY 2010	FY 2011	FY 2012
State Police	\$1,185,941	\$1,394,092	\$1,120,514	
Vt Center for Justice Research	\$10,100	\$15,000	\$15,000	
Criminal Justice Services	\$76,466	\$52,850	\$770	
Dept of Motor Vehicles				
Criminal Justice Training Council				
Transfers Out/Rescissions		\$33,273		
Grants to Local Law Enforcement	1	\$283,386	\$361,827	
TOTAL	\$1,272,506	\$1,778,601	\$1,498,111	\$0

Note 1 - In both FY 2009 and FY 2012 the grants to local police are made with federal funds.  
In fiscal year 2012 all expenses will be made with federal funds.  
SOURCE: Vermont Department of Public Safety



APPENDIX 3 - DUI ENFORCEMENT SPECIAL FUND APPROPRIATIONS AND ACTUAL EXPENDITURES

APPROPRIATION	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	Estimated FY 2012
State Police	\$434,296	\$822,469	\$935,109	\$744,109	\$1,043,241	\$1,362,882	\$1,331,649	\$1,223,040	\$1,141,432	\$1,086,850	\$1,197,737	\$1,418,290	\$1,120,514	\$0
Vt Center for Justice Research	\$30,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$0
Criminal Justice Training Council	\$17,600	\$17,600												
Criminal Justice Services		\$45,000	\$47,650	\$47,650	\$139,994	\$79,896	\$82,154	\$80,000	\$75,350	\$87,723	\$87,723	\$44,765		\$0
Dept of Motor Vehicles	\$15,000													
Grants to Local Law Enforcement	\$125,000 *	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$312,941	\$450,000	\$0
TOTAL	\$621,896	\$1,350,069	\$1,447,759	\$1,256,759	\$1,648,235	\$1,907,778	\$1,878,803	\$1,768,040	\$1,681,782	\$1,639,573	\$1,750,460	\$1,790,996	\$1,585,514	\$0

\* In FY 1999, in addition to this \$125,000 from the DUI Enforcement special fund, there was a \$125,000 appropriation of federal funds.

ACTUAL EXPENSES	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
State Police		\$773,261	\$735,961	\$744,109	\$1,030,770	\$1,322,851	\$1,331,649	\$1,222,691	\$1,141,171	\$1,075,945	\$1,185,941	\$1,394,092	\$1,120,514	
Vt Center for Justice Research				\$12,794	\$13,542	\$14,521	\$12,446	\$12,085	\$10,345	\$12,325	\$10,100	\$15,000	\$15,000	
Criminal Justice Services		\$30,087	\$85,240	\$127,062	\$63,045	\$71,019	\$77,814	\$134,294	\$88,460	\$75,266	\$76,466	\$52,850	\$770	
Dept of Motor Vehicles														
Criminal Justice Training Council														
Transfer In														
Transfers Out/Rescissions					\$295,000					\$5,722		\$33,273		\$1,500,343
Grants to Local Law Enforcement		\$140,012	\$329,877	\$8,323	\$324,767	\$413,763	\$414,833	\$394,436	\$335,559	\$423,829		\$283,386	\$361,827	
TOTAL	\$0	\$943,360	\$1,151,078	\$892,288	\$1,727,124	\$1,822,154	\$1,836,742	\$1,763,506	\$1,575,535	\$1,593,088	\$1,272,506	\$1,778,601	\$1,498,111	\$1,500,343

NOTE: In Fiscal Year 2012 the source of funds is federal funds.  
SOURCE: Vermont Department of Public Safety

APPENDIX 4 - LOCAL DUI ENFORCEMENT GRANT AWARDS - Actual Expenditures (except for in FY 2012 which are amounts granted)

Recipient Agency	1999 State DUI Grant	2000 State DUI Grant	2001 State DUI Grant	2002 State DUI Grant	2003 State DUI Grant	2004 State DUI Grant	2005 State DUI Grant	2006 State DUI Grant	2007 State DUI Grant	2008 State DUI Grant	2008 Federal DUI Grant	2009 Federal DUI Grant	2010 State DUI Grant	2010 Federal DUI Grant	2011 State DUI Grant	2012 Federal DUI Grant
Addison County																
Vergennes PD								4,262	4,510	10,063	3,409	3,567	2,531	2,658	4,242	5,000
Middlebury PD					1,786	784										4,000
Bristol PD								713	6,331	3,145	1,541	232				
Bennington County																
Bennington Co Sheriff Dept	6,000	43,000	63,000	45,000	22,271	52,894	46,561	40,829	21,072	35,121	2,005	33,613	22,000	8,000	34,984	36,000
Bennington PD	2,800							5,021	22,153	12,440	5,125	22,027	17,392	4,979	16,483	28,000
Winhall PD	8,300	10,000	14,000	14,000	717	2,522	979	908	1,442	1,191		999	103	266	999	500
Manchester PD								831								3,000
Caledonia County																
Caledonia Co Sheriff Dept	10,000	22,000	15,000	17,646	5,908	16,192	20,253	22,614	2,540	1,714	260	7,797	4,812	1,842	6,820	7,000
Hardwick-Greensboro PD																
St. Johnsbury PD																
Chittenden County																
Chittenden Co Sheriff Dept		38,000	40,000	30,000	9,159	15,332	29,793	21,070	14,311	33,383		21,293	5,484	603	12,312	6,000
Colchester PD									787							
Burlington PD		22,000	15,000	17,000	4,317											
UVM					2,803											
Essex PD				10,000	4,294	4,921	979		475	2,508	836				3,420	2,000
South Burlington PD	20,000	32,000	12,000	5,000												
Richmond PD	10,000	10,000			3,306	217									936	
Williston PD			10,500	10,000	1,153	2,991										
Shelburne PD				10,000	3,434	10,500	9,014	4,998	10,205	43,569		63,084	56,805	10,272	66,455	80,000
Hinesburg PD					1,179	584	2,317									
Milton PD								13,939	20,105	10,440						
Winooski PD	9,000	38,000	31,000							2,482	320					
Essex County																
Essex Co Sheriff Dept	6,000	12,000		5,228	6,610	6,561	939	4,000	12,756	5,443		3,681	2,100	900	3,000	4,000
Canaan PD										1,145	851	408				
Franklin County																
Franklin Co Sheriff Dept		8,000	18,000	15,000	14,013	44,762	46,324	49,523	13,092	14,751		10,570	19,498	6,338	17,163	26,000
Franklin Co States Attorney							2,287									
St. Albans PD	10,000	10,000		10,000	2,158		3,216	9,954	1,482							6,000
Swanton Village PD			900										1,800			1,500
Grand Isle County																
Grand Isle Co Sheriff Dept	8,000	25,000	25,000	14,500	36,144	18,777	22,807	7,655	9,000	19,746	4,160	7,475	4,900	2,100	7,000	8,000
Lamoille County																
Lamoille Co Sheriff Dept		15,000	18,000	30,000	27,139	28,391	16,605	8,016	6,927	2,746		2,271			3,992	10,000
Stowe PD							5,942	2,821	5,313			3,149			1,627	2,200
Morristown PD	17,000	13,000		7,000	2,069				8,041	4,101	2,402	5,104	6,961	2,993	8,294	11,000
Orange County																
Randolph PD					3,651	3,521	6,057	3,245	2,751	1,492	1,508	286	667		449	1,000
Orange Co Sheriff Dept	18,000	15,000	10,000	10,000	3,373	1,091	10,555	10,000	31,430	41,622	8,637	52,354	31,990	12,546	30,995	33,000
Thetford PD	3,000	3,000	5,000	772					1,500							
Orleans County																
Newport PD	21,000	28,000	30,000	30,000	29,342	11,442	14,460	23,567	8,628	17,193	933	5,978	2,870	955	177	4,500
Orleans Co Sheriff Dept					12,787	15,784	15,227	1,501		14,650	3,161	11,862	3,754	183	9,241	5,000



APPENDIX 4 - LOCAL DUI ENFORCEMENT GRANT AWARDS - Actual Expenditures (except for in FY 2012 which are amounts granted)

Recipient Agency	1999 State DUI Grant	2000 State DUI Grant	2001 State DUI Grant	2002 State DUI Grant	2003 State DUI Grant	2004 State DUI Grant	2005 State DUI Grant	2006 State DUI Grant	2007 State DUI Grant	2008 State DUI Grant	2008 Federal DUI Grant	2009 Federal DUI Grant	2010 State DUI Grant	2010 Federal DUI Grant	2011 State DUI Grant	2012 Federal DUI Grant
Rutland County																
Rutland Co Sheriff Dept	47,000	81,000	65,000	63,650	53,456	77,269	53,679	51,299	17,014	14,336	2,669	12,751	6,910	1,608	10,312	18,000
Poultney Constable				5,000	7,564	9,220	9,999	9,000	16,196	16,998		18,519	10,500	4,499	14,998	15,000
Castleton PD						2,930	2,836	2,474	3,157	13,289	722	11,811	5,519	2,575	5,785	8,000
Mendon Constable	1,500	1,000				1,000		1,400	861							
Rutland City PD	14,000	44,000		38,000	34,711	24,317	16,932	22,437	20,913	12,224	405	16,275	7,356	553	2,682	9,000
Wallingford Constable	1,500	1,000														
Brandon PD				9,000	338						442	1,172			1,321	3,000
Fair Haven PD								4,005	8,453	12,893	96	15,007	7,700	3,300	10,957	12,000
Town of Mt. Tabor	1,500	1,000										405				
Town of No. Clarendon	1,200															
Washington County																
Washington Co Sheriff Dept	16,000	54,000	42,000	36,204	4,634	39,276	57,380	26,124	45,032	37,868	4,444	37,724	21,098	8,968	22,070	25,000
Northfield PD								2,997		4,734	774	4,041	1,581	699	4,997	8,000
Barre Town PD															5,791	5,000
Berlin PD			4,000									5,776	4,676	2,058	7,486	8,000
Windham County																
Wilmington PD			20,500			1,957	3,186	3,000	696	654		6,162	4,276	973	7,140	5,000
Windham Co Sheriff Dept		15,000				3,927		15,183	1,121	8,250	1,994	7,674	7,000	1,251	10,000	5,300
Dover PD		8,000	5,000	4,000	1,764			1,967		2,191	481	2,321	1,398	600	3,999	5,000
Town of Whitingham	3,000															
Brattleboro PD																5,000
Vernon			3,000													
Windsor County																
Bethel PD																
Royalton PD									147	185						
Springfield PD				8,000	4,561	2,580		4,500	2,429	4,935	595	4,464	6,257	2,043	4,921	6,000
Hartford PD	7,200								2,797	3,810		3,184	909	860	2,981	5,000
Windsor Co Sheriff Dept	8,000	20,000			8,284	9,148	12,846	8,503	11,161	12,519	423	14,775	6,874	2,647	9,990	12,000
Woodstock PD			3,100	5,000	2,529	1,596	603									
Chester PD																
Ludlow PD													2,725		1,696	5,000
Norwich PD													2,100	900	3,000	2,000
Windsor PD													2,843		4,111	5,000
State Law Enforcement Agencies																
Dept Motor Vehicles					3,010	250			730							
Dept of Liquor Control								354								
DUI Enforcement Support		6,000														
State Police					6,304	3,026	3,061	5,727								
Other																
TOTAL GRANTS	250,000	575,000	450,000	450,000	324,767	413,763	414,833	394,436	335,559	423,829	48,193	417,811	283,386	88,169	362,826	450,000
												466,004		371,555		

Per Dept of Public Safety, data prior to 2002 (pre-VISION) are not easily available and may not be complete

\*Includes grant to Williston/Richmond/Hinesburg PD

Please Note that in FY 2009, and FY 2012 the State DUI grants were issued using federal funds, not special DUI Enforcement funds.

In FY 2008 and 2010 the DUI Enforcement special funds were supplemented with federal funds.

SOURCE: Vermont Department of Public Safety

## **APPENDIX 5 Statutes Related to DUI Enforcement Special Fund Revenues**

Specific assessments included in Title 23 § 1220a., subsection (b)(1).

### **T.23 V.S.A., chapter 5 § 206 Surcharge**

A person convicted of violating a provision of this chapter shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the court. The court shall collect and transfer the surcharge assessed under this section to be credited to the DUI enforcement fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5. The collections procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

201. Applications to be under oath.

202. Impersonating another in an application, or aiding an applicant by false representation.

203. Counterfeiting or misusing number plates, registration certificates, or operating license.

204. Procedure for revocation of license or registration.

205. Notification of change of name or address.

### **Title 23 V.S.A. Chapter 9, section 674(i)**

A person convicted of violating this section shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the court. The court shall collect and transfer the surcharge assessed under this subsection to be credited to the DUI enforcement fund. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

§ 674. Operating after suspension or revocation of license; penalty; removal of registration plates; towing

### **Title 23 V.S.A. Chapter 13, subsection 1091(d)**

A person convicted of violating subsection (b) of this section shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the court. The court shall collect and transfer the surcharge assessed under this subsection to be credited to the DUI enforcement fund. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

Subsection (b) grossly negligent operation

### **Title 23 V.S.A. Chapter 13, § 1094(f)**

A person convicted of violating this section shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the court. The court shall collect and transfer the surcharge assessed under this subsection to be credited to the DUI

enforcement fund. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

§ 1094 Operation without consent of owner; aggravated operation without consent of owner

**Title 23, Chapter 13, § 1128(d)**

A person convicted of violating this section shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the court. The court shall collect and transfer the surcharge assessed under this subsection to be credited to the DUI enforcement fund. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

§ 1128 Accidents – Duty to stop

**Title 23 V.S.A. Chapter 13 § 1133(d)**

A person convicted of violating this section shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the court. The court shall collect and transfer the surcharge assessed under this subsection to be credited to the DUI enforcement fund. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

§ 1133 attempting to elude a police officer

**Title 23 V.S.A., Chapter 13, § 1205(r)**

§ 1205(r) A person suspended under this section for a refusal shall be assessed a surcharge of \$50.00 which shall be collected by the department or motor vehicles prior to reinstatement of the person's driving privileges. The department shall transfer the surcharge assessed under this subsection to the public defender special fund created in section 5239 of Title 13 specifying the source of the moneys being deposited. All such moneys shall be used by the office of the defender general to cover the cost of providing statewide 24-hour legal services coverage as required by subsection 1202(g) of this title. After \$40,000.00 has been deposited in the public defender special fund in a single fiscal year, all additional collected surcharges assessed under this subsection in that fiscal year shall be credited to the governor's highway safety commission for deposit in a DUI enforcement special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5. All such DUI enforcement special fund receipts shall be used exclusively for statewide DUI enforcement and for no other purpose.

§ 1205. Civil suspension; summary procedure (suspension of operator's license)

**Title 23, Chapter 23, section 1210(j)**

A person convicted of violating section 1201 of this title shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the court. The court shall collect and transfer the surcharge assessed under this subsection to be credited to the DUI enforcement fund. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

§ 1210. Penalties for violating Title 23, section 1201 (Operating vehicle under the influence of intoxicating liquor or other substance; criminal refusal)





## **APPENDIX 5. Statutes Related to DUI Enforcement Special Fund Revenues**

Specific assessments included in 23 V.S.A. § 1220a(b)(1).

### **23 V.S.A. chapter 5 § 206**

A person convicted of violating a provision of this chapter shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the court. The court shall collect and transfer the surcharge assessed under this section to be credited to the DUI enforcement fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5. The collections procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

201. Applications to be under oath.

202. Impersonating another in an application, or aiding an applicant by false representation.

203. Counterfeiting or misusing number plates, registration certificates, or operating license.

204. Procedure for revocation of license or registration.

205. Notification of change of name or address.

### **23 V.S.A. chapter 9, § 674(i)**

A person convicted of violating this section shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the court. The court shall collect and transfer the surcharge assessed under this subsection to be credited to the DUI enforcement fund. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

§ 674. Operating after suspension or revocation of license; penalty; removal of registration plates; towing

### **23 V.S.A. chapter 13, § 1091(d)**

A person convicted of violating subsection (b) of this section shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the court. The court shall collect and transfer the surcharge assessed under this subsection to be credited to the DUI enforcement fund. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

Subsection (b) grossly negligent operation

### **23 V.S.A. chapter 13, § 1094(f)**

A person convicted of violating this section shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the court. The court shall collect and transfer the surcharge assessed under this subsection to be credited to the DUI



enforcement fund. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

§ 1094 Operation without consent of owner; aggravated operation without consent of owner

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A person convicted of violating this section shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the court. The court shall collect and transfer the surcharge assessed under this subsection to be credited to the DUI enforcement fund. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

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§ 1133 attempting to elude a police officer

**23 V.S.A., chapter 13, § 1205(r)**

A person suspended under this section for a refusal shall be assessed a surcharge of \$50.00 which shall be collected by the department or motor vehicles prior to reinstatement of the person's driving privileges. The department shall transfer the surcharge assessed under this subsection to the public defender special fund created in section 5239 of Title 13 specifying the source of the moneys being deposited. All such moneys shall be used by the office of the defender general to cover the cost of providing statewide 24-hour legal services coverage as required by subsection 1202(g) of this title. After \$40,000.00 has been deposited in the public defender special fund in a single fiscal year, all additional collected surcharges assessed under this subsection in that fiscal year shall be credited to the governor's highway safety commission for deposit in a DUI enforcement special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5. All such DUI enforcement special fund receipts shall be used exclusively for statewide DUI enforcement and for no other purpose.

§ 1205. Civil suspension; summary procedure (suspension of operator's license)



**23 V.S.A. chapter 23, §1210(j)**

A person convicted of violating section 1201 of this title shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the court. The court shall collect and transfer the surcharge assessed under this subsection to be credited to the DUI enforcement fund. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.

§ 1210. Penalties for violating Title 23, section 1201 (operating vehicle under the influence of intoxicating liquor or other substance; criminal refusal).







